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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
 INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
 DEPARTMENT OF FISH AND WILDLIFE

FILED

10/02/2019 3:34 PM
 ARCHIVES DIVISION
 SECRETARY OF STATE

FILING CAPTION: 2020 Commercial and Recreational Groundfish Fisheries Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/06/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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 Salem, OR 97302

Filed By:
 April Mack
 Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/06/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Department of Fish
 & Wildlife Commissioners

ADDRESS: Oregon Department of Fish
 & Wildlife Headquarters
 4034 Fairview Industrial DR SE
 Salem, OR 97302

NEED FOR THE RULE(S):

These amended rules will establish annual groundfish management measures and harvest limits for 2020 commercial and recreational groundfish fisheries, including but not limited to, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits, length limits, and seasons), and additional nearshore commercial regulations (e.g., bi-monthly period vessel limits). Housekeeping and technical corrections to the regulations will occur to ensure rule consistency.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 12/06/2019.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

No major fiscal and economic impacts are expected from these rule changes.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See attached FIS

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The main types of small business subject to the rules are commercial and recreational fishers landing nearshore groundfish and businesses that provide goods and services to those commercial and recreational groundfish fishers. In 2018 there were 87 commercial vessels making nearshore groundfish landings equal to or greater than \$500 in value. There were 45 Black/Blue Rockfish permits and 68 Nearshore-endorsed Black/Blue Rockfish permits sold, two separate permit types that exist for the limited-entry commercial nearshore fishery.

Wholesale dealers who buy nearshore groundfish will be affected and there were 36 in 2018 (excluding processors or buyers whose activities were less than \$500).

Other small businesses affected will be gas stations, tackle shops, charter boat owners, restaurants/cafes/bars, food stores, and places of lodging (hotels, campgrounds, etc.). Information is not available to estimate accurately the number of those types of small businesses affected.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The alternatives for federal groundfish regulations and harvest limits were developed through the Pacific Fishery Management Council process, which involves advisory committees and public comment. Department staff conducted several public meetings to discuss and develop proposed changes to state regulations that are in addition to federal regulations.

NOTE: Additional PDF filed with this filing not included in this document. Please contact Department of Fish and Wildlife for a copy of this document.

RULES PROPOSED:

635-004-0275, 635-004-0350, 635-004-0355, 635-004-0365, 635-006-0215, 635-039-0080, 635-039-0090

AMEND: 635-004-0275

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2020 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

Scope, Inclusion, and Modification of Rules ¶¶

(1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking groundfish. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:¶¶

(a) Code of Federal Regulations, Part 660, Subparts C, D, E and ~~FE~~ (October 1, 2018~~9~~ ed.) as amended; and ¶¶

(b) ~~Federal Register Vol. 83, no. 238, dated December 12, 2018 (83FR63970)~~[INSERT CITATION WHEN AVAILABLE].¶¶

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable groundfish fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.¶¶

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal groundfish regulations.¶¶

[Publications: Publications referenced are available from the Department.]

Statutory/Other Authority: ORS 496.138, ORS 496.162, ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 496.162, ORS 506.109, ORS 506.129

AMEND: 635-004-0350

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2020 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0350

Harvest Guidelines and Landing Caps ¶¶

(1) Upon attainment of a harvest guideline in the Black Rockfish / Blue Rockfish / Nearshore Fishery, the Department shall initiate consultation to determine if additional regulatory actions are necessary to achieve management objectives.¶¶

(2) The following commercial harvest guidelines include the combined landings and other fishery related mortality by all Oregon commercial fisheries in a single calendar year:¶¶

(a) Black rockfish: ~~123.82~~9 metric tons;¶¶

(b) Blue rockfish and deacon rockfish combined: ~~18.93~~ metric tons;¶¶

(c) Other Nearshore Rockfish combined: ~~12.32~~ metric tons;¶¶

(d) Cabezon: 30.2 metric tons; and¶¶

(e) Greenling: ~~1128.53~~ metric tons.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-004-0355

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2020 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0355

Trip Limits ¶

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.¶

(2) Vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a Nearshore¶
Endorsement, may land no more than the following bi-monthly cumulative trip limits:¶

(a) Black rockfish:¶

(A) 1500 pounds in period 1;¶

(B) 1500 pounds in period 2;¶

(C) 1800 pounds in period 3;¶

(D) 1800 pounds in period 4;¶

(E) 1500 pounds in period 5;¶

(F) 1500 pounds in period 6; and¶

(b) 1500 pounds of blue rockfish and deacon rockfish combined in each period.¶

(3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following bi-monthly cumulative trip limits:¶

(a) 450 pounds of other nearshore rockfish combined in each period;¶

(b) 1000 pounds of cabezon in each period; and¶

(c) 1000 pounds of greenling species in each period.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-004-0365

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2020 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0365

Black Rockfish Management Areas ¶

In addition to catch restrictions set forth in the Code of Federal Regulations, Title 50 Part 660, OAR 635-004-0355 and OAR 635-004-0360, the following trip limit applies to black rockfish taken with all commercial gears except trawl:¶

~~(1) It is unlawful to take or, retain more than 300 pounds, possess, or land more than the following trip limit of black rockfish per vessel from a single fishing trip within one of the following areas when fishing occurs for any species of fish within one of the Black Rockfish Management Areas defined in section (2) of this rule:¶~~

~~(a) 500 pounds from November 1 of any year through February 28 of the following year; and¶~~

~~(b) 300 pounds from March 1 through October 31.¶~~

~~(2) Black Rockfish Management Areas are defined as:¶~~

~~(a) Tillamook Head (45°56'45" N latitude) to Cape Lookout (45°20'15" N latitude);¶~~

~~(b) Cascade Head (45°03'50" N latitude) to Cape Perpetua (44°18' N latitude);¶~~

~~(c) From a point (43°30' N latitude), approximately 8 1/2 nautical miles north of the Coos Bay north jetty, to a point (43°03' N latitude) adjacent to the mouth of Four-mile Creek;¶~~

~~(d) Mack Arch (42°13'40" N latitude) to the Oregon-California border (42°00' N latitude).¶~~

~~(2) No vessel shall take, retain, possess, or land more than the allowed trip limit when fishing occurs for any species of fish within one of these restricted areas.~~

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-006-0215

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2020 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-006-0215

Monthly Remittance Report ¶¶

(1) A monthly report is required of all licensed:¶¶

(a) Wholesale fish dealers, wholesale fish bait dealers, food fish canners, or shellfish canners receiving food fish or shellfish from licensed commercial fishers or bait fishers;¶¶

(b) Limited Fish Sellers selling food fish or shellfish.¶¶

(2) Except as provided in OAR 635-006-0220, the report is required even though no food fish or shellfish are received or sold during the calendar month covered by the report.¶¶

(3) The following information shall be included on the report:¶¶

(a) Fish dealer's name, license number, and address;¶¶

(b) Calendar month of the report;¶¶

(c) Serial numbers of all Fish Receiving Tickets issued during the month;¶¶

(d) Total pounds of all salmon and steelhead received or sold during the calendar month on which poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or dressed head off;¶¶

(e) Total value of salmon and steelhead received or sold during the calendar month including fish eggs and parts;¶¶

(f) Total value of all other food fish and shellfish including eggs and parts;¶¶

(g) Total pounds in the round of all other species of food fish or shellfish received or sold during the calendar month on which taxes are due. When landed in a dressed condition, the following listed species may be converted to round weight for the purposes of completing monthly reports, by multiplying each applicable below-listed factor by the dressed weight of that species:¶¶

(A) Troll salmon:¶¶

(i) Gilled and gutted 1.15¶¶

(ii) Gilled, gutted, and headed 1.30¶¶

(B) Treaty Indian Fishery Columbia River salmon and steelhead trout: Gilled and gutted 1.17¶¶

(C) Halibut:¶¶

(i) Gilled and gutted 1.15¶¶

(ii) Gilled, gutted, and headed 1.35¶¶

(D) Sablefish, gutted and headed 1.60¶¶

(E) Pacific whiting:¶¶

(i) Fillet 2.86¶¶

(ii) Headed and gutted 1.56¶¶

(iii) Headed and gutted with tail removed 2.0¶¶

(F) Thresher shark-2.0¶¶

~~(G, gutted and headed 1.41¶¶~~

(G) Blue shark, gutted and headed 1.49¶¶

(H) Pacific spiny dogfish, gutted and headed 1.81¶¶

(I) Shortfin mako shark, gutted and headed 1.45¶¶

(J) Soupfin shark, gutted and headed 1.96¶¶

(K) Other sharks, gutted and headed 1.72¶¶

(L) Swordfish gutted and headed, with fins and bloodline removed 1.45¶¶

(M) Lingcod:¶¶

- (i) Gilled and gutted 1.1¶
- (ii) Gilled, gutted and headed 1.5¶
- (HN) Spot prawn, tails 2.24¶
- (HO) Rockfish (including thornyheads), except Pacific Ocean Perch:¶
- (i) Gilled and gutted 1.14¶
- (ii) Gutted and headed 1.75¶
- (iii) Gutted and headed, with collarbone still attached to body (western cut) 1.66¶
- (iv) Gutted and headed, with collarbone removed from body (eastern cut) 2.0¶
- (JP) Pacific Ocean Perch:¶
- (i) Gilled and gutted 1.14¶
- (ii) Gutted and headed 1.6¶
- (KQ) Pacific Cod,-g:¶
- (i) Gilled and gutted 1.23¶
- (ii) Gutted and headed 1.58¶
- (LR) Dover sole, English sole, and "other flatfish" as defined in Title 50 of the Code of Federal Regulations, part 660 Subpart C, gutted and headed 1.53¶
- (MS) Petrale sole,-g:¶
- (i) Gilled and gutted 1.16¶
- (ii) Gutted and headed 1.51¶
- (NI) Arrowtooth flounder, gutted and headed 1.35¶
- (OU) Starry flounder, gutted and headed 1.49¶
- (PV) Groundfish, glazed:¶
- (i) Conversion factors must be calculated for each landing for each species or species group categorized in OAR 635-006-0209 when there are 60 or greater individuals of a category in a single landing as follows:¶
- (I) Weigh a sample of at least 20 glazed fish to obtain the glazed weight;¶
- (II) Completely remove glaze from individual fish making up the sample;¶
- (III) Re-weigh the sample to obtain the non-glazed weight;¶
- (IV) Divide the non-glazed weight by the glazed weight to obtain the conversion factor;¶
- (V) A separate conversion factor may be calculated for each size grade of a species, but may only be applied to landings of that size grade;¶
- (VI) Documentation of this calculation must be retained with the dock receiving ticket.¶
- (ii) A conversion factor of 0.95 must be applied when there are fewer than 60 individuals of any species or species group categorized in OAR 635-006-0209 in a single landing.¶
- (h) Total value of food fish landed in another state but not taxed by that state;¶
- (i) Total pounds in the round of all food fish landed in another state but not taxed by that state;¶
- (j) Total fees due - in accordance with ORS 508.505 the fees are the value of the food fish at the point of landing multiplied by the following rates:¶
- (A) All salmon and steelhead, 3.15 percent.¶
- (B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by ORS 506.011), 5.00 percent.¶
- (C) Effective January 1, 2010, all other food fish (except tuna, shellfish, crab, shrimp, sablefish, and whiting, as defined by ORS 508.505) and all other groundfish, 2.25 percent.¶
- (D) All tuna (as defined by ORS 508.505), 1.09 percent.¶
- (E) All crab, 2.35 percent.¶
- (F) All sablefish, 2.40 percent.¶
- (G) All sardines, 2.25 percent.¶
- (H) All shellfish, 2.30 percent.¶
- (I) All shrimp, 2.40 percent.¶
- (J) All whiting, 2.30 percent.¶

(k) Signature of the individual completing the report.¶¶

(4) The monthly report and all landing fees due shall be sent to the Department on or before the 20th of each month for the preceding calendar month. Landing fees are delinquent if not received or postmarked within 20 days after the end of the calendar month. A penalty charge of \$5 or five percent of the landing fees due, whichever is larger, shall be assessed along with a one percent per month interest charge on any delinquent landing fee payments.

Statutory/Other Authority: SB 247 (2015), ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129, ORS 508.530

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 508.535, ORS 508.505, ORS 508.550

AMEND: 635-039-0080

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2020 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-039-0080

Purpose and Scope ¶¶

(1) The purpose of Division 039 is to provide for management of sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.¶¶

(2) Division 039 incorporates into Oregon Administrative Rules, by reference:¶¶

(a) The sport fishing regulations of the State, included in the document entitled ~~2019~~20 Oregon Sport Fishing Regulations;¶¶

(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2018~~9~~2 ed.), as amended; ~~and~~¶¶

(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 2018~~9~~2 ed.), as amended; ~~and~~¶¶

~~(d) Federal Register Vol. 83, no. 238, dated December 12, 2018 (83FR63970).~~¶¶

(3) Therefore, persons must consult all publications referenced in this rule in addition to Division 011 and Division 039 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 496.162, ORS 506.129

AMEND: 635-039-0090

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2020 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-039-0090

Inclusions and Modifications ¶¶

(1) The ~~2019~~20 Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the ~~2019~~20 Oregon Sport Fishing Regulations.¶¶

(2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery. Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if additional regulatory actions are necessary to achieve management objectives. The following sport harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport fishery in a single calendar year:¶¶

(a) Black rockfish, ~~392.289.1~~ metric tons;¶¶

(b) Blue rockfish and deacon rockfish combined: ~~82.60.1~~ metric tons;¶¶

(c) Other Nearshore Rockfish combined: ~~11.76~~ metric tons;¶¶

(d) Cabezon, 16.8 metric tons; and¶¶

(e) Greenling, ~~42.639.2~~ metric tons.¶¶

(3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastrelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).¶¶

(4) In addition to the regulations for Marine Fish in the ~~2020~~19 Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:¶¶

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.¶¶

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the ~~2019~~20 Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate (total sum or number), of which no more than one may be China rockfish, copper rockfish or quillback rockfish in aggregate, and no more than one may be a cabezon; when retention of cabezon is allowed. Retention of the following species is prohibited:¶¶

(A) Yelloweye rockfish; and¶¶

(B) Cabezon from January 1 through June 30.¶¶

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).¶¶

(d) Retention of all marine fish listed under the category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.¶¶

(e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c) including the following:¶¶

(A) Minimum length for lingcod, 22 inches.¶¶

(B) Minimum length for cabezon, 16 inches.¶¶

- (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.¶
- (D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.¶
- (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a descending device shall be presented for inspection by any person authorized to enforce the wildlife laws or a representative of the Department. In this subsection, "descending device" means a device capable of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve the fish's chance of survival.¶
- (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest hook, and a non-compressible float attached to the line above the hooks. The hooks can only be equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish, crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.¶
- (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections 4(b) and (4)(d). Ocean waters are closed for these species, with the exception of flatfish species, during ~~May~~June 1 through ~~September~~August 30~~1~~, outside of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, except as provided in subsection 4(d) or when fishing with long-leader gear during such times and in such areas as allowed in federal rule. A 20-fathom, 25-fathom, or 30-fathom curve, as shown in Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line as inseason modifications necessitate. In addition, the following management lines may be used to set area-specific regulations for inseason action only:¶
- (A) Cape Lookout (45°20'30" N latitude); and¶
- (B) Cape Blanco (42°50'20" N latitude).¶
- (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2018~~9~~2 ed.). Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water. ¶
- (h) Notwithstanding any other provisions of this rule, on any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, the following apply:¶
- (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (*Sebastes flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), deacon rockfish (*S. diaconus*), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S. elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S. brevispinis*);¶
- (B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);¶
- (C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish;¶
- (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than 10 fish in aggregate of the species listed in (4)(b) in the same day;¶
- (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in section (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in section (4)(e)(F); and¶
- (F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any inconsistency,

including the definition of long-leader gear.¶¶

(i) Topsmelt and jacksmelt are included in the daily limit for herring, anchovy, sardine, and true smelts of 25 pounds per day in aggregate. Topsmelt and jacksmelt are not included in the General Marine Species daily limit of 5 fish per day.¶¶

(5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2021.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 497.121, ORS 506.119, ORS 496.146, ORS 496.138

Statutes/Other Implemented: ORS 496.004, ORS 496.009, ORS 496.162, ORS 506.129